

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Scot W. EBBINGHAUS et al.

Application No.: 10/645,471

Confirmation No.: 8202

Filed: August 20, 2003

Art Unit: 1637

For: METHODS FOR REGULATING  
TRANSCRIPTION BY TARGETING  
QUADRUPLEX DNA

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Examiner: A. BERTAGNA

**DECLARATION UNDER 37 C.F.R. § 1.130**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. In response to the Examiner's rejection (*see* Office Action mailed October 5, 2006) of claims 1, 3-11 and 19-21 under 35 USC §103(a) as being allegedly unpatentable over Siddiqui-Jain, et al., U.S. patent application publication no. 2004/0005601 A1, having a priority date of April 5, 2002, in view of Matsugami, et al., J. of Molec. Biol. 313:255-269, Oct. 2001,

I declare the following:

2. United States Application No. 10/645,471 (the above-referenced application) and copending United States Application No. 10/407,449, published as United States Patent Application Publication No. 2004/0005601 A1, were at the time the invention of the 10/645,471 application was made, both owned by, or subject to an assignment to, the Arizona Board of Regents on behalf of the University of Arizona.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: April 2, 2007

Respectfully submitted,

By /Brenda J. Wallach/ \_\_\_\_\_

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